

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: Quik-Pik, Incorporated (Western Pacific Storage Systems)
Mailing Address: P.O. Box 758, Georgetown, Kentucky 40324

is authorized to operate a metal frame fabrication plant

Source Name: same
Mailing Address: same

Source Location: 793 Lemons Mill Road, Georgetown, Kentucky

Permit Type: Federally-Enforceable
Review Type: Title V

Permit Number: V-98-027
Log Number: F464
Application
Complete Date: January 8, 1998
KYEIS ID #: 102-3640-0024
AFS Plant ID #: 21-209-00024
SIC Code: 3471

Region: Bluegrass
County: Scott

Issuance Date: December 3, 1998
Expiration Date: December 2, 2003

John E. Hornback, Director
Division for Air Quality

TABLE OF CONTENTS

<u>SECTION</u>		<u>DATE OF ISSUANCE</u>	<u>PAGE</u>
SECTION A	PERMIT AUTHORIZATION	December 3, 1998	1
SECTION B	EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	December 3, 1998	2
SECTION C	INSIGNIFICANT ACTIVITIES	December 3, 1998	10
SECTION D	SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	December 3, 1998	10
SECTION E	SOURCECONTROL EQUIPMENT OPERATING REQUIREMENTS	December 3, 1998	10
SECTION F	MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS	December 3, 1998	11
SECTION G	GENERAL CONDITIONS	December 3, 1998	13
SECTION H	ALTERNATE OPERATING SCENARIOS	December 3, 1998	17
SECTION I	COMPLIANCE SCHEDULE	December 3, 1998	17

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on January 8, 1998, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This draft permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto and shall become the final permit unless the U.S. EPA files an objection pursuant to Regulation 401 KAR 50:035, Section 21(3) .

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01 (01) -3 Stage Surface Preparation

Description: This consists of a 2000 gallon capacity phosphate tank with a 1.5 mmBtu/hr heater, a 2000 gallon capacity wash tank with a 2.8 mmBTU/hr burner, and a 2000 gallon capacity clean rinse tank with a 1.0 mmBTU/hr burner
Construction commenced: 1991

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations

401 KAR 63:060, List of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.

1. Operating Limitations:

None

2. Emission Limitations:

Visible emissions shall not equal or exceed 20% opacity. The opacity shall be determined by Reference Method 9 of Appendix A to 40 CFR 60, filed by reference in 401 KAR 59:010.

Particulate emissions shall not exceed the limitations calculated from the equation found in 401 KAR 59:010, Appendix A.

$$E = 3.59 * P^{0.62}$$

where E is the rate of emission in lb / hr and P is the process weight rate (make-up rate) in tons/hour. If the process weight equals, or is less, than 0.5 ton/hour the particulate matter emission limitation shall be 2.34 lbs/hr.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Opacity readings shall be performed by a certified visible emissions observer at least once per month during heater and burners operations per Method 9. If a certified visible emissions observer is not available, qualitative observations of the visible emissions shall be made, and the existence of any visible emissions shall be considered to be over 20%. Particulate emissions=(Monthly production rate)x(KYEIS emission factor)/(Hours of operation per month). This emission factor may be replaced by a number obtained by the latest test approved by the Division.

The permittee shall monitor the amount of cleaner phosphate and sealing compound used.

5. Specific Record Keeping Requirements:

Records shall be maintained of the monthly production and hours of operation of the surface preparation stages. Records shall be maintained of the Method 9 opacity readings or the qualitative reading of visible emissions. The cleaner phosphate and sealing compound use shall be recorded monthly.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

Any exceedance of the opacity or particulate emission limits as stated in this permit shall be reported to the Division within 3 days. Following an exceedance, the company shall submit for a period of 12 months, the monthly visible emission readings, the monthly production rates and the hours of operation within 30 days of the end each calendar month.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

02 (02)- Automatic Paint Line

Description:

Metal frames are painted in one of two spray booths, each having four guns with a spraying capacity of 6.0 gallons per hour each. There are two touch-up booths and a drying oven in this line. The spraying capacity of each of the touch-up booths is 2.0 gallons per booth.

APPLICABLE REGULATIONS:

401 KAR 59:010, New Process Operations

401 KAR 63:060, List of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.

1. Operating Limitations:

None

2. Emission Limitations:

Visible emissions shall not equal or exceed 20% opacity. The opacity shall be determined by Reference Method 9 of Appendix A to 40 CFR 60, filed by reference in 401 KAR 59:010.

Particulate emissions shall not exceed the limitations calculated from the equation found in 401 KAR 59:010, Appendix A.

$$E = 3.59 * P^{0.62}$$

where E is the rate of emission in lb / hr and P is the process weight rate (paint spraying rate) in tons/ hr. If the process weight equals, or is less, than 0.5 ton/hour the particulate matter emission limitation shall be 2.34 lbs/hr.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Opacity readings shall be performed by a certified visible emissions observer at least once per month during painting operations per Method 9. If a certified visible emissions observer is not available, qualitative observations of the visible emissions shall be made, and the existence of any visible emissions shall be considered to be over 20%.

Particulate emissions=(Monthly production rate)x(KYEIS emission factor)/(Hours of operation per month). This emission factor may be replaced by a number obtained by the latest test approved by the Division.

The permittee shall monitor the amount of paint and thinner used.

5. Specific Record keeping Requirements:

Records shall be maintained of the monthly production and hours of operation of the painting line. Records shall be maintained of the Method 9 opacity readings or the qualitative reading of visible emission. The paint and thinner use shall be recorded monthly. Records shall also be maintained of the 12 month rolling average of the paint and thinner usages.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

Any exceedance of the opacity or particulate emission limits as stated in this permit shall be reported to the Division within 3 days. Following an exceedance the company shall submit for a period of 12 months, the monthly visible emission readings, the monthly production rates and the hours of operation within 30 days of the end each calendar month.

7. Specific Control Equipment Operating Conditions:

Fabric filters shall be changed once per week.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

04(05)- Welding Operations

Description:

Welding of shelving, furniture, and stamping parts using carbon steel electrode

APPLICABLE REGULATIONS:

401 KAR 59:010, New Process Operations

401 KAR 63:060, List of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.

1. Operating Limitations:

None

2. Emission Limitations:

Visible emissions shall not equal or exceed 20% opacity. The opacity shall be determined by Reference Method 9 of Appendix A to 40 CFR 60, filed by reference in 401 KAR 59:010.

Particulate emissions shall not exceed the limitations calculated from the equation found in 401 KAR 59:010, Appendix A.

$$E = 3.59 * P^{0.62}$$

where E is the rate of emission in lb / hr and P is the process weight (welding wire use) rate in tons/hr. If the process weight equals, or is less, than 0.5 ton/hour the particulate matter emission limitation shall be 2.34 lbs/hr.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Opacity readings shall be performed by a certified visible emissions observer at least once per month during welding operations per Method 9. If a certified visible emissions observer is not available, qualitative observations of the visible emissions shall be made, and the existence of any visible emissions shall be considered to be over 20%.

Particulate emissions=(Monthly production rate)x(KYEIS emission factor)/(Hours of operation per month). This emission factor may be replaced by a number obtained by the latest test approved by the Division.

The permittee shall monitor the amount of welding wire used.

5. Specific Record keeping Requirements:

Records shall be maintained of the monthly production and hours of operation of the welding operation. Records shall be maintained of the Method 9 opacity readings or the qualitative reading of visible emissions from the welding operations.

The welding wire use shall be recorded monthly. Records shall also be maintained of the the 12 month rolling average of the welding wire usages.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

Any exceedance of the opacity or particulate emission limits as stated in this permit shall be reported to the Division within 3 days. Following an exceedance the company shall submit for a period of 12 months, the monthly visible emission readings, the monthly production rates and the hours of operation within 30 days of the end each calendar month.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

GROUP REQUIREMENTS

VOC emissions from all the listed points in the plant.

01 (01) -3 Stage Surface Preparation

Description: This consists of a 2000 gallon capacity phosphate tank with a 1.5 mmBtu/hr heater, a 2000 gallon capacity wash tank with a 2.8 mmBTU/hr burner, and a 2000 gallon capacity clean rinse tank with a 1.0 mmBTU/hr burner

Construction commenced: 1991

02 (02)- Automatic Paint Line

Description:

Metal frames are painted in one of two spray booths, each having four guns with a spraying capacity of 6.0 gallons per hour, each. There are two touch-up booths and a drying oven in this line. The spraying capacity of each of the touch-up booths is 2.0 gallons per booth.

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

None

2. Emission Limitations:

Total VOC emissions from these emission points shall not exceed 90 tons per rolling 12 month period - Self imposed to preclude the applicability of 401 KAR 59:225, New miscellaneous metal parts and products surface coating operations.

VOC emissions shall be calculated as follows:

$$\text{Monthly VOC emissions} = \sum_{n=1}^N \quad [\text{Total amount of compound 'n' used at these}$$

points (in lbs of compound 'n' used/month) * VOC content of compound 'n' (in lbs VOC/lb compound'n' used)]/ 2000 (lbs/ton)

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Where: N = the total number of compounds used at these emission points during the month.
The VOC contents of the compounds used at these emission points shall be verified by maintaining the MSDS sheets.

The percentages of VOC listed on the MSDS sheets shall be used in calculating the actual emissions from these emission points, unless alternate values have been pre-approved by the Division.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The calculated monthly VOC emissions rate shall be monitored to ensure that they do not exceed their permitted levels.

5. Specific Record keeping Requirements:

Records shall be maintained of the monthly usage rates of each of the paints. Records shall be maintained of the calculated total monthly and 12 month rolling average VOC emissions from the plant. Records of the chemical composition of the paint compounds used at these emission points shall also be maintained at the source.

6. Specific Reporting Requirements:

Any exceedance of the VOC emission limit as stated in this permit shall be reported to the Division within 3 days. Following an exceedance, the company shall submit for a period of 12 months, the monthly VOC emission within 30 days of the end each calendar month.

SECTION C - INSIGNIFICANT ACTIVITIES

Not Applicable

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

SECTION E - SOURCE CONTROL EQUIPMENT CONDITIONS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 - i. During normal office hours, and
 - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (continued)

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the division's Frankfort Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Frankfort Regional Office.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Frankfort Regional Office and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
 - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date.
8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (continued)

9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

SECTION G - GENERAL CONDITIONS (CONTINUED)

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]

SECTION G - GENERAL CONDITIONS (CONTINUED)

15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits are hereby null and void.

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 50:035, Permits, Section 12]

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(d) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

SECTION G - GENERAL CONDITIONS (CONTINUED)

(e) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - i) An emergency occurred and the permittee can identify the cause of the emergency;
 - ii) The permitted facility was at the time being properly operated;
 - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - iv) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

(f) Risk Management Provisions

The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:

- a. Submit a Risk Management Plan to U.S.EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U.S.EPA.
- b. Submit additional relevant information if requested by the Division or the U.S. EPA.

(g) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION G - GENERAL CONDITIONS (CONTINUED)

1. d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

Not Applicable

SECTION I - COMPLIANCE SCHEDULE

Not Applicable